

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 5, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, July 18, 2007 Worksession.

Action: Approved as amended, (CLH/CGT), 5-0).

2. **A-6155, Petition of Stephen J. Rosen** (the existing single-family dwelling and one-story additions). Letter to the Board from Ray Burke, CPJ Associates, submitting a corrected site plan. [Large exhibit: site plan].

Action: Re-opened the record to include Mr. Burke's letter with attachments, (DLB/WMH, 5-0).

3. **A-6193, Petition of Roy Glixon** (accessory structure/swimming pool). Letter to the Board from the petitioner requesting reconsideration.

Action: Deferred reconsideration request until the petitioner submits additional information, (CGT/DLB, 5-0).

4. **A-6200, Appeal of Grace and Brian Myhr** (Department of Permitting Services – Issuance of Building Permit No. 433827). Letter to the Board from David Brown, Esquire, withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn, (2) refund 50% (\$100.) of the filing fee, (DLB/CLH, 5-0).

5. **A-6211, Petition of Doris Vallis** (one-story addition). Letter to the Board from the petitioner requesting that the record be re-opened.

Action: Re-opened the record to include Ms. Vallis' letter, (WMH/CLH, 5-0).

6. **A-6218, Appeal of Celine B. Roll** (Department of Permitting Services – Notice of Violation). Letter from Timothy Dugan, Esquire, withdrawing the administrative appeal and notifying the Board that the violations have been abated.

Action: Dismissed the administrative appeal as withdrawn, (CLH/CGT, 5-0).

7. **A-6224, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918). Letter to the Board from Jodi Longo and Dejan Bujak requesting to intervene. Also included is a letter from the appellant requesting a rescheduling of the pre-hearing conference.

Action: (1) Rescheduled pre-hearing conference until 10/3/07; (2) denied request to intervene, (CLH/DLB, 5-0).

8. **CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting a rescheduling of the Show Cause Hearing. Also included is letter from Peter Fosselman, Mayor of Kensington, regarding the special exception use.

Action: Granted consolidation of the Show Cause Hearings for CBA-1196/Petition of Joseph F. Fernebok and CBA-1472/Petition of Farragut St. Venture and Theo R. Crutchfield, (CGT/CLH, 5-0). Show Cause Hearings scheduled for 11/14/07.

9. **CBA-2829, Petition of Hugh R. Collins, Jr.** (commercial riding stable). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CLH/WMH, 5-0).

10. **S-274-C, Petition of Suburban Hospital, Inc.** (hospital). Email from Françoise Carrier, Director, Office of Zoning and Administrative Appeals (OZAH), notifying the Board of the outcome of the public hearing held on 8/29/07 in response to the Board's Resolution dated 7/16/07.

Action: (1) Re-opened the record to include Ms. Carrier's email; (2) the Hearing Examiner will hold a public hearing at a date to be determined, (DLB/CLH, 4-0/WMH/recused).

11. **S-1437, Petition of John D. Hyman** (landscape contractor). Letter to the Board from Stephen Elmendorf, Esquire, requesting an administrative modification.

Action: (1) Re-opened the record to include Mr. Elmendorf's letter; (2) schedule Show Cause Hearing, (CLH/WMH, 5-0).

12. **S-1543, Petition of Daniel M. Treadwell** (accessory apartment). Memorandum from Robert Goff, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the special exception holder.

Action: Revoked the special exception as abandoned, (CGT/DLB, 5-0).

13. **S-1884, Petition of Chakrat Sukachevin, M.D.** (non-resident medical practitioner). Memorandum from Stanley Garber, Investigator, DPS, notifying the Board that the petitioner has abated the special exception violations, and requesting that the Board dismiss the Show Cause Hearing, grant the transfer of the special exception, and grant the administrative modification.

Action: (1) Dismissed the Show Cause Hearing; (2) granted the transfer of the special exception; (3) granted the administrative modification, (WMH/CGT, 5-0).

14. **S-2423-A, Petition of Meadow Ridge Seniors' Villas, LLC** (elderly and handicapped housing). Letter from Jim Fountain, Meadow Ridge Villas, regarding the Board's Resolution dated 7/12/07.

Action: Re-opened the record to include Mr. Fountain's letter (DLB/CLH, 5-0).

15. **S-2471, Petition of Kids n Care Learning Center, LLC** (child day care facility). Letter from Clayton Townsend requesting a public hearing.

Action: (1) Re-opened the record to include Mr. Townsend's letter; (2) change effective date of 8/15/07 Resolution to 9/4/07, (DLB/CGT, 5-0).

16. **S-2631, Petition of Germantown Walter Johnson Property, LLC** (automobile filling station and convenience store). Letter to the Board from Richard Hurney, P.E., submitting an approved stormwater management plan. [Large exhibits: subdivision plat and stormwater management plan].

Action: Re-opened the record to include Mr. Hurney's letter, (CLH/WMH, 5-0).

17. **S-2635, Petition of Covenant Village, L.P.** (elderly and handicapped housing). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. [Large exhibits: overall site plan, site plan, detailed landscape plans

Action: Granted the administrative modification, (CGT/WMH, 5-0).

#### **DECISION ITEMS:**

18. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties, LLC** (automobile filling station). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation;  
(2) granted the special exception with conditions, (DLB/CGT, 5-0).

19. **S-2695, Petition of Fabricio and Viviane Fidelis, d/b/a Flower Valley** (landscape contractor). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation;  
(2) granted the special exception with conditions, (WMH/DLB, 5-0).

20. **S-2701, Petition of Susan Yang** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a request for oral argument from David Gardner, Esquire.

Action: Granted request for Oral Argument/BOA action deferred, (CGT/CLH, 5-0).

#### **PENDING ITEMS:**

21. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07].
22. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].

23. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07 [W/S 4/18/07].
24. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report [W/S 4/18/07].
25. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request [W/S 2/18/04].
26. **S-671, Petition of Randolph Building Limited Partnership** (off-street parking). Letter to the Board from Ronald Bolt, Esquire, requesting an administrative modification [W/S 4/18/07]. BOA (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required. Re-opened the record to include Mr. Bolt's letter. Item deferred for petitioner to submit a revised site plan with the revised parking configuration that includes a handicap ramp and plantings [W/S 6/27/07].
27. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].
28. **S-2685, Petition of Avalon Education Group, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for a revised site plan and additional information on the traffic associated with the sports teams. [W/S 7/11/07].

#### **Board Members**

Allison Ishihara Fultz, Chair  
 Donna L. Barron, Vice Chair  
 Wendell M. Holloway  
 Caryn L. Hines  
 Catherine G. Titus

#### **Staff**

Barbara Jay, Associate County Attorney  
 Katherine Freeman, Executive Director  
 Hermene Jones, Administrative Specialist

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 5, 2007, 9:30 a.m.**

**ACTION ITEM:**

1. **A-6127, Appeal of Sergio Morgadinho** (Department of Permitting Services – Notice of Violation). Letter to the Board from Rebecca Willens, Esquire, requesting a continuance of the public hearing.

Action: Granted continuance to a date to be determined, (DLB/WMH, 5-0).

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
Catherine G. Titus

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist